

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

HOWARD LEE JUSTICE, JR.

Plaintiff,

v.

CIVIL ACTION NO. 2:17-cv-02369

SOUTH CENTRAL REGIONAL JAIL
MEDICAL UNIT, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

Pending before the Court is Defendant Dr. Hinchman's ("Dr. Hinchman") motion to dismiss, or in the alternative, motion for summary judgment. (ECF No. 12.) By Standing Order entered in this case on April 17, 2017, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of Proposed Findings of Fact and Recommendations for Disposition ("PF&R"). (ECF No. 3.) Magistrate Judge Tinsley filed his PF&R on May 2, 2018, recommending that this Court grant Dr. Hinchman's motion and dismiss this civil action pursuant to Federal Rule of Civil Procedure 12(b)(6), 42 U.S.C. 1997e(a), and West Virginia Code §§ 25-1A-2(c) and 55-7B-6. (*See* ECF No. 21.)

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and the Plaintiff's right to appeal this

Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Objections to the PF&R were due on May 21, 2018. To date, no objections have been filed. Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 21), **GRANTS** Dr. Hinchman's motion to dismiss or, in the alternative, motion for summary judgment, (ECF No. 12), and **DISMISSES** this action. The Court further **DIRECTS** the Clerk to remove this action from the docket of the Court.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: July 27, 2018



THOMAS E. JOHNSTON, CHIEF JUDGE